

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

REUBEN DOWLING,

Plaintiff,

v.

**UNITED STATES GOVERNMENT,
VIRGIN ISLANDS GOVERNMENT,
and ALMORE FREDERICKS,**

Defendants.

CIVIL NO. 2000/0049

**TO: Lee J. Rohn, Esq.
Ernest Batenga, AUSA
Richard Schrader, Jr., AAG**

**ORDER REGARDING PLAINTIFF'S MOTION TO COMPEL DEFENDANT V.I.
GOVERNMENT ("GVI") TO PROVIDE COMPLETE DISCOVERY RESPONSES**

THIS MATTER came before the Court upon Plaintiff's Motion to Compel Defendant V.I. Government ("GVI") to Provide Complete Discovery Responses (Docket No. 265).

Having reviewed the said motion, the Court makes the following findings and conclusions.

Interrogatory No. 1: Said Defendant's answer is responsive to the request as written. Said Defendant need not supplement.

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Interrogatory No. 3: Said Defendant shall supplement its response by producing the transcription of the tapes and/or copies of the tapes referenced.

Interrogatory No. 5: Said Defendant's answer is responsive to the request as written. Said Defendant need not supplement.

Interrogatory No. 6: Said Defendant's answer is responsive to the request as written. The interrogatory states, "Set forth all investigations . . . taken . . . in response to any information Plaintiff provided." Said Defendant responded that no investigations were initiated pursuant to information provided by Plaintiff. The Court understands by this response that any investigations referenced in responses to other interrogatories were not initiated based upon information provided by Plaintiff. Said Defendant need not supplement.

Interrogatory No. 7: Said Defendant shall supplement its response with the requested names and titles of each individual involved.

Interrogatory No. 8: Said Defendant shall supplement its response with the names of the subduers, what weapons were recovered, correctional personnel present, how Plaintiff was assaulted, and any

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injuries he sustained. Reference to answers to other interrogatories and/or deposition transcripts must be specific by page number with a copy of the page(s) attached to the supplemental response.

Interrogatory No. 9: Said Defendant shall supplement its response with the dates of the internal investigation and attach a copy of the investigative report to the supplemental response.

Interrogatory No. 11: Said Defendant shall supplement its response after making reasonable inquiry.

Interrogatory No. 12: Said Defendant shall supplement its response with a description of all protection and security steps provided to Plaintiff.

Interrogatory No. 14: Said Defendant shall supplement with the names and titles of the persons in charge of monitoring packages.

Interrogatory No. 16: Said Defendant's answer is responsive to the request as written. Said Defendant need not supplement.

Interrogatory No. 17: Said Defendant shall supplement its response after making reasonable inquiry.

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Interrogatory No. 18: Said Defendant's answer is responsive to the request as written. Said Defendant need not supplement.

Interrogatory No. 20: Said Defendant shall supplement its response with the dates of the investigation.

Interrogatory No. 21: Said Defendant's answer is responsive to the request. Said Defendant need not supplement.

Demand For Production Nos. 5-9, 12, 17, and 25: In the absence of a privilege log, any claim of privilege has been waived. Said Defendant shall produce the requested documents.

Demand For Production No. 20: Said Defendant shall produce the requested documents.

Based upon the foregoing, it is now hereby **ORDERED**:

1. Plaintiff's Motion to Compel Defendant V.I. Government ("GVI") to Provide Complete Discovery Responses (Docket No. 265) is **GRANTED IN PART AND DENIED IN PART**.
2. Said Defendant shall supplement its responses to Interrogatory Nos. 3, 7, 8, 9, 11, 12, 14, 17, and 20 and Demand For Production of Documents Nos. 5-9, 12, 17, 20, and 25 as directed hereinabove.

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3. Said Defendant shall serve its supplemental responses upon counsel for Plaintiff within twenty (20) days from the date of entry of this Order.

ENTER:

Dated: September 12, 2007

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE